82-1734

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ALEXANDER L. STEVAS,
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IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1982

LINDA SIDOTI PALMORE
Petitioner

v.

ANTHONY J. SIDOTI,
Respondent

PETITION FOR A WRIT OF CERTIORARI TO THE DISTRICT COURT OF APPEAL OF FLORIDA, SECOND DISTRICT

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QUESTION PRESENTED

WHETHER THE EQUAL PROTECTION AND DUE PROCESS CLAUSES OF THE FOURTEENTH AMENDMENT PROHIBIT A COURT FROM CONSIDERING OR FROM RELYING UPON A SUBSEQUENT INTERRACIAL MARRIAGE OF THE CUSTODIAL PARENT AS A GROUND FOR ORDERING A CHANGE OF CUSTODY.

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The Petitioner, LINDA SIDOTI PALMORE, respectfully prays that a writ of certiorari issue to review the judgment and opinion of the District Court of Appeal of Florida, Second District entered in this proceeding on January 24, 1983.

OPINION BELOW

The Circuit Court of the Thirteenth Judicial Circuit of the State of Florida entered an Order on Modification of Final Judgment on March 1, 1982. The opinion of the Florida Circuit Court is reprinted in the appendix A to this Petition. The Petitioner timely appealed to the Florida District Court of Appeal, Second District, which affirmed the judgment of the Florida Circuit Court without issuing an opinion. That Court's Order of Affirmance is reprinted in appendix B to this Petition.

JURISDICTION

The Order of Affirmance of the Florida District Court of Appeal, Second District was entered on December 8, 1982. Petitioner

timely filed a Petition for Rehearing and a Motion to Stay the Mandate with the Second District Court of Appeal in order to permit her to file a Petition for Certiorari in this Court. On January 24, 1983 the Second District Court of Appeal denied the Petition for Rehearing and denied the Motion to Stay the Mandate. That Order is reprinted in appendix C to this Petition.

The jurisidiction of this Court to review the case on Petition for Certiorari rests on 28 U.S.C.§1257(3). Because the Second District Court of Appeal elected not to write an opinion, the Supreme Court of Florida was without jurisdiction to review this case and the Second District Court of Appeal is the highest state court in which a decision could be had. Fla.Const. Art. V §3(b)(3); Florida Supreme Court Manual of Internal Operating Procedures, II A1.(a) 396 So.2d LXXXV; Jenkins v. State, 385 So.2d 1356(Fla. 1980).

CONSTITUTIONAL PROVISIONS INVOLVED

This case involves the Fourteenth Amendment to the United States Constitution reprinted in Appendix D to this petition.

STATEMENT OF THE CASE

On May 29, 1980, the Circuit Court of the Thirteenth Judicial Circuit of the State of Florida entered a Final Judgment dissolving the marriage of Petitioner to Respondent and awarding Petitioner custody of Melanie Lynn Sidoti, a child born June 24, 1977 The Circuit Court found that she was a "fit and proper person to have such custody."

On September 20, 1981, the Respondent filed a Petition to Modify the Final Judgment in the Circuit Court and sought custody of the minor child. At the time the Petition for Modification of Final Judgment was filed the Petitioner was cohabiting with her fiance Clarence Palmore (now husband) whom she married on November 21, 1981. The Petitioner's household consisted of herself, her fiance (later husband), her seventeen year old son by a previous marriage and the minor

child, Melanie.

The Respondent's Petition For Modification alleged that the Petitioner ". . . certainly has not acted in the best interest and welfare of said minor child in that she has had a black male living with her for some period of time, and may even still be living with her. . ." and that this has created a bad environment for the child. The Respondent also alleged that the child was found with an infestation of head lice on two occasions and with clothing stained with mildew and that those conditions were indicative of some degree of neglect by the Petitioner.

Following a hearing, on March 1, 1982, the Circuit Court entered an Order on Modification of Final Judgment finding that the Petitioner had brought a man into her home and carried on a sexual relationship with him without being married to him and that "such action tended to place gratification of her own desire ahead of her concern for the

child's future welfare." The Circuit Court also noted that there was evidence that the Petitioner did have one other male friend at the home on an occasion.

The court found that both parties had remarried, and that there was no issue as to either party's devotion to the child, adequacy of housing facilities or respectability of the new spouse of either parent. The Circuit Court observed that:

> "despite the strides that have been made in bettering relations between the races in this country, it is inevitable that Melanie will, if allowed to remain in her present situation and attains school age and thus more vulnerable to peer pressure, suffer from the social stigmatization that is sure to come."

Accordingly, the Circuit Court entered an Order modifying the Final Judgment to award Respondent custody of the child, having found that there was substantial competent evidence of changed circumstances and that the best interest of the child will be served by awarding custody of the minor child to the Respondent. The Circuit Court's Order is

reprinted in appendix A to this Petition.

HOW THE FEDERAL QUESTION WAS RAISED AND PASSED ON

After the trial of this matter, the Circuit Court sent a "memo" on February 4, 1982 to Counsel for the Parties which was substantially the same as the Order on Modification of Final Judgment. This memo directed Counsel for Respondent to prepare an Order on Modification of Final Judgment which awarded custody of the child to Respondent.

On February 10, 1982 the Petitioner filed a "Memorandum Stating Objections to Memorandum of Court" in the Circuit Court. That Memorandum stated as follows:

> . . . [petitioner] submits that deprivation of her child by reason of her interracial marriage violates her rights to privacy, equal protection and due process of law as guaranteed by the First and Fourteenth Amendments to the United States Constitution and Article I, Sections 2 and 9 of the Constitution of the State of Florida. [Petitioner] also submits that said deprivation violates her and her husband's right to be free from the badges of slavery as guaranteed by the Thirteenth Amendment to the United States Constitution.

The Circuit Court entered its Order on Modification of Final Judgment on March 1, 1982.

Following the denial of Petitioner's Motion for Stay Pending Appeal, Petitioner filed a Motion for Review of Denial of Motion for Stay Pending Appeal in the Second District Court of Appeal on April 14, 1982. In the memorandum in support of that Motion the Petitioner stated as follows with respect to the Order:

> The Order in effect, holds that the wife, by her interracial marriage has forfeited the custody of her child. This results in an infringement upon the wife's right to remarry a person of another race and therefore her right to privacy, equal protection and due process of law as guaranteed by the First and Fourteenth Amendments to the United States Constitution and Article I, Sections 2 and 9 of the Constitution of the State of Florida.

On May 13, 1982, the Second District Court of Appeal, without opinion, ordered that the Motion for Review was granted and that the change of custody ordered in the

final Order on Modification was stayed pending appeal. The order of the Second District Court of Appeal is reprinted in appendix E to this Petition

In Petitioner's Initial Brief before the Second District Court of Appeal the Petitioner again cited the Fourteenth Amendment to the United States Constitution, Loving v. Virginia, 388 U.S. 1 (1967) and McLaughlin v. Florida, 379 U.S. 184 (1964) and stated as follows:

> . . . the decision infringes upon the wife's right to marry a person of another race and thus violates the wife's right to equal protection of the laws and due process of law as guaranteed by the Fourteenth Amendment to the United States Constitution and Article 1, Sections 2 and 9 of the Constitution of the State of Florida.

On December 8, 1982 the Second District Court of Appeal affirmed the Judgment of the Circuit Court without issuing an opinion. That Court's order of affirmance is reprinted in Appendix B to this Petition.

Petitioner timely filed a Petition for

Rehearing and a Motion to Stay the Mandate with the Second District Court of Appeal. In the Petition for Rehearing, Petitioner, citing Santosky v. Kramer, 102 S. Ct. 1388, Personnel Administrator of Massachusetts vs. Feeney, 442 U.S. 256 and the Fourteenth Amendment to the United States Constitution, stated as follows:

> Recent decisions of the Supreme Court of the United States and the Supreme Court of Florida make it clear that as a matter of law it is impermissible to consider the race of [petitioner's] husband in evaluating whether the best interest of her child would be served by a modification of the decree awarding her custody.

In the Motion to Stay Mandate the Petitioner moved the Second District Court of Appeal, to stay its mandate should the Court deny the Petition for Rehearing pending the filing and disposition of a Petition for Certiorari in this Court. In the Motion Petitioner again citing Loving v. Virginia, 388 U.S. 1 (1967) stated that "prior decisions of the Supreme Court appear to prohibit

consideration of race" as a grounds relevant to modification of a custody order.

On January 24, 1983, the Second District Court of Appeal denied the Petition for Rehearing and denied the Motion to Stay the Mandate. That Order is reprinted in appendix C to this Petition.

REASONS FOR GRANTING THE WRIT

The Decision Decides A Federal Question In A Way In Conflict With Applicable Decisions Of This Court Which Prohibit Explicit Racial Classifications

The Decision of the trial court relied almost exclusively upon racial considerations in ordering a change in custody. The Order found as a matter of fact that both parties had remarried and "there is no issue as to either party's devotion to the child, adequacy of housing facilities, or respectability of the new spouse of either parent." The Order made no findings concerning what the trial court characterizes as Respondent's secondary allegations regarding the mildewed dress or head lice.

Although the Order makes a passing reference to Petitioner's sexual relationship with her current husband prior to their marriage, that relationship is irrelevant under Florida law absent evidence of adverse effect upon the child. Culpepper v. Culpepper, 408 So.2d 728 (Fla. Dist. Ct. App. 1982). (Wife's sexual relationship irrelevant in change of custody proceedings absent evidence and finding of adverse effect upon child). No evidence of adverse effect was offered and no finding of adverse effect was made. See also Dinkel v. Dinkel, 332 So.2d 22(Fla. 1975). (Adultery relevant to initial custody determination only when shown to adversely effect the child). There was no allegation of adultery made in this case.

That there was no adverse effect on the child was clear from the testimony given at the trial. The most important excerpt of the trial on this point is reprinted in Appendix F to this Petition. Clearly, there was no judicial finding that the child was adversely

affected by the Petitioner's new husband. Therefore no adequate and independent state ground exists for the decision below.

In short, since the finding of fact regarding Petitioner's sexual relationship with her current husband prior to their marriage is of no legal consequence under Florida Law, the only ground upon which the Order rests is the fact of Petitioner's subsequent interracial marriage.

In relying upon race, the trial court followed the earlier direction of the Second District Court of Appeal in Niles v. Niles, 299 So.2d 162 (Fla. Dist. Ct. App. 1974). In Niles, the court established the rule in Florida inviting judges to take interracial marriages into account in custody proceedings. Underlying the Niles rule that a subsequent interracial marriage is intrinsically relevant in custody proceedings is a judicial assumption that an interracial home is inherently detrimental to the best interest of

white children.[1]

Thus, the Niles rule as applied in this case rests upon an explicit impermissible racial classification, since the Court took into account Petitioner's remarriage solely because her husband is black. On the other hand, the Trial Court's Order does not consider the effect upon the child of Respondent's remarriage to a white woman.

This Court has repeatedly held that racial classifications are inherently suspect, justified by only the most compelling governmental interest. In McLaughlin v. Florida, 379 U.S. 184 (1964) this Court struck down on equal protection grounds a Florida Statute which made interracial cohabitation of unmarried persons punishable but did not proscribe cohabitation by unmarried persons of the same race. In Loving v. Virgina, 388 U.S. 1 this Court struck down criminal anti-miscegenation laws

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[1] Judicial concern over the effect of an interracial marriage appears to arise only when the child in question is white.

in Virginia. In doing so the Court used the following language:

> The Fourteenth Amendment requires that the freedom of choice to marry not be restricted by invidious racial discrimination. Under our Constitution, the freedom to marry or not to marry, a person of another race resides with the individual and can not be infringed by the State. 388 U.S. at 12.

The reasoning behind the Loving case was that the statute in question constituted a restriction of the rights of citizens on account of race. The Court stated that any restriction of the freedom to marry solely because of racial classifications violates the central meaning of the equal protection clause. 388 U.S. at 12.

The other basis of the decision was that the statutes in questions deprived the individuals of liberty without due process of law in violation of the due process clause of the Fourteenth Amendment. The Court noted that the freedom to marry has long been recognized as one of the vital personal rights essential to the orderly pursuit of

happiness by free men. Marriage is one of the "basic civil rights of man" fundamental to our very existence and survival. Skinner vs. Oklahoma, 316 U.S. 535, 541 (1942).

The Court concluded that to deny this fundamental freedom on the basis of a racial a racial classification embodied in the statute in question is to deprive citizens of liberty without due process of law.

This Court in Loving held that where a statute draws a classification based on race, the state, in the case of legislation, is required to meet the very heavy burden of showing that the distinction made between interracial marriages and other marriages was "necessary to the accomplishment of some permissible state objective, independent of the racial discrimination which it was the object of the Fourteenth Amendment to eliminate" and racial classifications are subjected to the "most rigid scrutiny." 388 U.S. at 11.

In Personnel Administrator of Massa-

chusetts v. Feeney, 442 U. S. 256 (1981), this Court summarizing many of its decisions, stated that "[a] racial classification, regardless of purported motivation, is presumptively invalid and can be upheld only upon extraordinary justification." 442 U.S. et 272.

Most recently in Santosky v. Kramer, 102 S. Ct. 1388 (1982) this Court held that "freedom of choice in matters of family life is a fundamental liberty interest protected by the Fourteenth Amendment." 102 S. Ct. at 1394.

Therefore it is clear that this Court has long recognized the freedom of a person to marry a person of another race without infringement on that right by the State.

No modern decision of this Court has sustained a racial classification which burdens or stigmatizes black citizens on the basis of race. In spite of that unbroken line of cases, the decision below and the Florida rule upon which it rests punishes the

Petitioner by depriving her of her child because she remarried a black man.

The decision below also stigmatizes Petitioner's new husband because of his race and burdens Petitioner solely because she married him. In short, her interracial marriage has, in effect, disqualified her from being a custodial parent without any justification. The decision thus irreconcilably conflicts with the many decisions of this Court interpreting the equal protection and due process clauses to prohibit state-sponsored racial discrimination.

The equal protection and due process clauses of the Fourteenth Amendment to the United States Constitution prohibit a court from considering or from relying upon a subsequent interracial marriage of the custodial parent as a ground for ordering a change of custody.

THE DECISION BELOW CONFLICTS WITH DECISIONS FROM THE COURTS OF OTHER STATES HOLDING THAT THE FOURTEENTH AMENDMENT PROHIBITS CONSIDERATION OF AN INTERRACIAL MARRIAGE IN CUSTODY LITIGATION.

The highest courts of Pennsylvania[2] and Michigan[3] have held impermissible the consideration of a subsequent interracial marriage in custody litigation. Courts in Florida, and apparently in Iowa[4] and Illinois[5] consider interracial marriages, although no other case so clearly rests a change of custody upon racial considerations as does the instant case.

IMPORTANCE OF QUESTIONS PRESENTED

To deprive a woman of her child because she remarried a respectable man who has black skin is alien to the concept of the Fourteenth Amendment that "no state shall . . .

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2 Myers v. Myers, 468 Pa. 134, 360 A.2d 578 (1976); Commonwealth ex rel Lucas v. Kriescher, 450 Pa. 352, 299 A.2d 243 (1973).

3 Potter v. Potter, 372 Mich. 637, 127 N.W.2d 320 (1964); Edel v. Edel, 97 Mich. App. 266, 293 N.W.2d 792 (1980).

4 Kramer v. Kramer, 297 N.W. 2d 359 (Iowa 1980).

5 Russell v. Russell, 80 Ill. App 3d 41, 399 N.E.2d 212 (App. Ct. 1979); Langin v. Langin, 2 Ill. App. 3d 544, 276 N.E. 2d 822 (App. Ct. 1971)

deny to any person within its jurisdiction the equal protection of the laws." In this era when courts are asked to infer the existence of race discrimination from elaborate statistical analyses, and thousands of pages of testimony regarding motive and intent, this Court has before it a short decision of the Circuit Court which relies upon an explicit, impermissible racial classification to burden the Petitioner's fundamental rights. That a child can be taken away from her mother because a Circuit Court Judge has speculated that the minor child will suffer from social stigmatization as a result her mother's remarriage to a black man is shocking and cannot be sustained.

The holding below, if allowed to stand, would be completely subversive of the numerous decisions throughout the federal judiciary outlawing state-enforced racial distinctions. The real message of the decision below is that while Petitioner could not be imprisoned for her remarriage to a black man

she could be deprived of her child as punishment.

On a larger scale, the decision of the Circuit Court fosters the attitude that an interracial home is inherently detrimental to the interest of white children when there is absolutely no empirical or other evidence to support that proposition. The decision also promotes and gives credence to the attitude that relationships between blacks and whites are forbidden and offensive, and therefore should be regulated.

Some individuals see this type of decision as giving them a green light to take steps to curb interracial relationships no matter how casual, in their own way.

For example, according to a St. Petersburg Times newspaper account, on March 24, 1983 two white men were sitting in a Tampa restaurant when two black men and two white women walked. One of the white men asked a nearby woman "if niggers offended [her]." The woman then overheard one of the

white men say "I wish I had my gun."

The account continues that on his way out of the restaurant one of the white men "paused, turned and looked at the two couples and placed his hand on the knife" he was wearing on his belt. When the assistant manager of the restaurant asked one of the white men who was paying for his meal if everything was all right, the man replied fine "except for the niggers." The assistant manager replied "I'm sorry. There is nothing I can do about that." The white man replied "yes there is" and walked out.

One of the two white men had a 44-Magnum pistol in their truck and they waited in the truck for fifteen to twenty minutes for the black man to leave. Then, the white men followed the black men's car for about eight miles before firing two shots into the car, killing one black man and wounding the other.[6]

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[6] The St. Petersburg Times, April 8, 1983, section B, B1, columns 7 and 8.

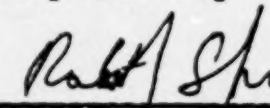
No court which is sworn to uphold the constitutionally protected guarantee of equal protection of the laws can issue a decision which bows to the existence of racism as a fact of American life. In so doing, a court judicially institutionalizes and sanctions the blight the Fourteenth Amendment was designed to eradicate.

This Court cannot eliminate racism in American society but it can and should review this decision which has deprived Petitioner of her child because of her remarriage to a black man.

CONCLUSION

For the reasons set forth above, it is respectfully submitted that a writ of certiorari should issue to review the judgment of the Second District Court of Appeal.

Respectfully submitted,



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Date: April 23, 1983

APPENDIX A

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT OF THE STATE OF FLORIDA, IN AND FOR HILLSBOROUGH COUNTY, FAMILY LAW

In Re: The Marriage of	:	
ANTHONY J. SIDOTI,	:	CASE NO:80-1915
Husband,	:	DIVISION D
and	:	
LINDA SIDOTI,	:	
Wife.	:	

ORDER ON MODIFICATION OF FINAL JUDGMENT

THIS CAUSE having come on to be heard upon the Petition of ANTHONY J. SIDOTI, father of the minor child, MELANIE LYNN SIDOTI, born June 214, 1977, seeking custody of said minor child, and the mother, LINDA SIDOTI PALMORE, having responsed (sic) to said Petition and further requesting the Circuit Court Counsellor to conduct a social investigation relative to this cause, and the Court having considered the testmony of the respective parties, as well as the report relative to said social investigation, and

the Court being otherwise fully advised in the premises, finds as follows:

1. That both parties have remarried, and there is no issue as to either party's devotion to the child, adequacy of housing facilities, or respectibility of the new spouse of either parent.

2. That the Husband's allegations pertaining to the material change in circumstances are that the Wife's close association with her present husband, a black male about 10 years her junior, prior to her November 21, 1981 marriage to him, created a bad environment for the child. Secondarily he says that the child was found with an infestation of head lice on two occasions and with clothing stained by mildew and that those conditions are indicative of some degree of neglect by the Wife.

3. That the Wife did not dispute the fact that she was cohabiting with her present husband whila a single woman but insists that no sexual activity of any nature ever took

place in the presence of Melanie. LINDA SIDOTI PALMORE has custody of a 17 year old son by a previous marriage and that the household consists of herself, her husband, teen age son and Melanie. Melanie is in a day care for 8 hours daily.

4. The Court has received the benefit of a home investigation study made by Mr. John C. Knight, Jr., a senior, well trained and experienced member of the Court Counselor serving this Circuit. He is, by sheer coincidence, the same counsellor who made a report in a case coming out of this circuit also involving the social consequences of an interracial marriage. Niles v. Niles, 299 So.2d 162. Although there were other elements in Niles not present here, e.g. emotional instability of the mother, there was evidence that the mother entertained men in the home overnight while the children were present. In the present case, the evidence is that the mother did have one other male friend at the home on an accasion (sic), and

that she shared her bed with Mr. Palmore for a period of time before they married. The court counsellor's reasoning is the same as it was in Niles, when he recommended removal of the child from the mother because she "had chosen for herself and therefore for herself and the children, a life style unacceptable to the father of the children, a life style unacceptable to the father of the children and the society in which we live."

5. The father's evident resentment of the mother's choice of a black partner is not sufficient to wrest custody from the mother. It is of some significance, however, that the mother did see fit to bring a man into her home and carry on a sexual relationship with him without being married to him. Such action tended to place gratification of her own desires ahead of her concern for the child's future welfare. This Court feels that despite the strides that have been made in bettering relations between the races in this country, it is inevitable that Melanie will,

if allowed to remain in her present situation and attains school age and thus more vulnerable to peer pressures, suffer from the social stigmatization that is sure to come.

6. There being substantial competent evidence of changed cirsumstances and that the best interest of the child will be served by awarding custody of the minor child to the father, it is, thereupon,

ORDERED AND ADJUDGED that the Final Judgment heretofore entered in this case be modified as follows:

A. That the Husband/Father, ANTHONY J. SIDOTI, be, and he is hereby, granted custody of the minor child of the parties, to-wit: MALANIE (sic) LYNN SIDOTI, effective immediately.

B. That the Wife/Mother, LINDA A. SIDOTI PALMORE, is hereby granted reasonable visitation privileges with said minor child.

C. That the previous child support payment required by the Husband is terminated.

D. That both the Husband and Wife are

hereby restricting from removing the minor child from the jurisdiction of this Court without prior court approval.

E. That each of the parties hereto shall pay his or her own counsel fees and costs.

DONE AND ORDERED in Chambers, at Tampa, Hillsborough, County, Florida this 1st day of March, 1982.

/s/ MORISON BUCK
Circuit Judge

APPENDIX B

IN THE DISTRICT COURT OF APPEAL

OF FLORIDA

SECOND DISTRICT

LINDA SIDOTI PALMORE,	)	
Appellant,	)	
v.	)	CASE NO. 82-739
ANTHONY J. SIDOTI,	)	
Appellee.	)	

Opinion filed December 8, 1982

Appeal from the Circuit Court for Hillsborough County; Morison Buck, Judge

Robert J. Shapiro, Tampa, for Appellant.

Robert H. Carlton, Tampa, for Appellee

PER CURIAM

Affirmed.

OTT, CJ., and SCHEB and DANAHY, JJ., Concur.

APPENDIX C

IN THE SECOND DISTRICT COURT OF APPEAL,
LAKELAND, FLORIDA

LINDA SIDOTI PALMORE Appellant, v. ANTHONY J. SIDOTI, Appellee.	]]]]]]]]]]]	Case No. 82-739

Counsel for appellant having filed a motion for rehearing in the above-styled upon consideration, it is

ORDERED that said motion is hereby denied. It is further

ORDERED that appellant's motion to stay mandate is denied.

APPENDIX D

The Fourteenth Amendment to the United States Constitution reads in pertinent part,

> "Section One. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the law."

APPENDIX E

IN THE SECOND DISTRICT COURT OF APPEAL,
LAKELAND, FLORIDA

May 13, 1982

LINDA SIDOTI PALMORE Appellant, v. ANTHONY J. SIDOTI, Appellee.	]]]]]]]]]]]	Case No. 82-739

Counsel for appellant having filed a Motion for Review of Denial of Motion for Stay Pending Appeal, upon consideration, it is

ORDERED that the motion is granted and the change of custody ordered in the final order on modification is hereby stayed pending this appeal.

APPENDIX F

Mr. Sidoti: But I feel that the environment that is caused by a mixed marriage, is just a strain on Melanie.

***

Mr. Shapiro: So, your objection-

Mr. Sidoti: is the effect on my daughter, because of this marriage.

Mr. Shapiro: Have you ever had your daughter examined by a psychiatrist or a psychologist?

Mr. Sidoti: No.

Mr. Shapiro: Do you know -has any professional person such as a psychologist or psychiatrist indicated that Melanie was suffering some effect as a result from livng with a, within a mixed marriage?

Mr. Sidoti: No. Not a professional but she's smart enough and old enough where she knows that she does not.

Mr. Shapiro: You know of no professional who's indicated this is deleterious to her well-being do you?

Mr. Sidoti: No.

Trial Transcript pps 4-5